IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.609 of 1997

in

NOTICE OF MOTION NO.1740 OF 1995

in

SUIT NO. 1754 OF 1995

Prabhakar Wamanrao Sawant .. Appellant

versus

Central Bank of India .. Respondent

...

Mr.K.D. Sawant i/b Mr.K.L. Parab for the appellant.

None for the respondents.

CORAM : R.M. LODHA AND

D.G. KARNIK, JJ

DATED : 20th December 2005.

P.C.:

Mr.K.D. Sawant, the learned counsel for the appellant handed in the communication dated 27th march 2002 received by the appellant from the respondent Bank. The said communication is marked "X" for

identification purposes.

2. The said communication certified that no amount due is received to the respondent Bank from the appellant. The advocate for the respondent is not present. It may be because the respondent is no longer interested in the appeal, the matter having already been settled between the parties and no amount was due and payable by the appellant to the respondent.

3. Now since the claim of the respondent Bank has been fully satisfied by the appellant, the impugned order dated 6th December 1997 cannot be permitted to continue. We accordingly set aside the order dated 6th December 1997.

4. Appeal is disposed of.

5. No costs.

(R.M. LODHA, J)

(D.G. KARNIK, J)